

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JUSTICE MICHAEL HERRON,

Petitioner,

vs.

CASE NO. 05-70806

HON. LAWRENCE P. ZATKOFF

JERI-ANN SHERRY, WARDEN,

Respondent.

_____ /

DEFICIENCY ORDER

On February 6, 2006, Petitioner filed a Request to Proceed on Appeal in Pauper Status. 28 U.S.C. § 1915(a)(2) requires an affidavit and a certified trust fund account statement to be filed with the request.

Petitioner's Request purported to include an affidavit. However, affidavits must be sworn or contain a statement such as the following: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct." *See Walton v. Wheatly Co.*, No. 92-3379, 1993 U.S. App. LEXIS 3507, *9-10 (6th Cir. 1993). Petitioner's purported affidavit contained no such statement. Furthermore, Petitioner did not file a certified trust fund account statement.

The Court hereby ORDERS Petitioner to produce the required affidavit and certified trust fund account statement within thirty days upon receipt of this order. If Petitioner does not file the required documents within thirty days, his appeal may be dismissed for want of prosecution under Fed. R. App. P. 3(a), and the entire filing fee will be due. *McGore v. Wrigglesworth*, 114 F.3d 601,

610 (6th Cir. 1997).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: February 24, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on February 24, 2006.

s/Marie E. Verlinde
Case Manager
(810) 984-3290